IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7031 of 2004

Between:

Akunuri Satyakumar S/o A.R.V. Janardhan Rao
R/o LIG 214, Bharatinagar BHEL., Ramachandrapuram, Hyderabad

..... PETITIONER

AND

1 The City Crime Station (Team-II) Control Room, Nampally, Hyderabad
2 The Commissioner of Police, Hyderabad
3 The Director General, Central Board of Investigation, New Delhi
4 Kaveti Prasad, S/o K. Rangaiah
Suji Group of Companies, 5th floor, Palce Heights Buildings, Abids, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents herein not completing the investigation and the charge sheet against the accused/ Respondent No.4 and further not producing the accused in the Court of law further not producing the accused in the court of law for the conduct of trial as illegal, arbitrary, violative of Criminal Procedure code and violation of rights to life.

Counsel for the Petitioner : MR.V.RAGHUNATH

Counsel for the Respondents :GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7031 OF 2004

ORAL ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the alleged inaction on the part of the respondents 1 to 3 in completing the investigation and filing charge-sheet against the respondent No.4 as arbitrary and illegal.

The petitioner states that the 4th respondent – Kaveti Prasad, S/o. K.Rangaiah, Chairman-cum-Managing Director of Suji Group of Companies, Hyderabad invited deposits from the public for promotion of group of industries through press advertisements and agents, in response to which, the petitioner along with several others mostly belonging to the middle class and lower middle class made deposits in the abovesaid Company. The 4th respondent has paid the interest for about three years and subsequently he failed to make any payment and absconded. The

depositors filed a complaint before the Station House Officer, Abids Police Station, Hyderabad and the same was referred to CCS (Team-II) for further investigation. The 4th respondent was apprehended and was also kept in judicial remand for about 120 days and subsequently he was enlarged on conditional bail. The grievance of the petitioner is that thereafter the respondents 1 to 3 failed to proceed with the investigation. Though the 4th respondent has been moving freely, the respondents 1 to 3 failed to take any action against him and the investigation has not been completed. Hence, this writ petition.

On behalf of the respondents 1 and 2, the Inspector of Police, White Collar Offences, Team-II, Central Crime Station, Hyderabad filed a counter-affidavit stating that on the basis of the complaint made by one Mr. M.A.Aziz Khan, General Secretary of the Investors Welfare Association of Suji Companies Limited before the IV Metropolitan Magistrate Court, Hyderabad alleging that the 4th respondent has collected huge amounts on various dates and that he issued shareholder agreement and also a postdated cheques and duped the general public by collecting funds from them, Cr.NO.169 of 2000 was registered under Sections 420 and 406 of the Indian Penal Code and under Section 5 of A.P. Protection of Depositors of Financial Establishments Act, 1999. Thereafter, the investigation has been taken up and during the course of investigation the statements of about 40 persons were recorded which reveal that their Association is consisting of 600 members and the amount of Rs.4.00 crore was deposited in the abovesaid company belonging to the 4th respondent. After completion of investigation, Charge-sheet was also filed before the Metropolitan Sessions Judge and it is numbered as C.C.No.53 of 2003 and the same is pending trial. The petitioner also lodged a complaint on 21-07-2001 before the Metropolitan Sessions Judge, on the basis of which Cr.No.343 of 2001 was registered and the investigation was taken up. In the said case, charge-sheet was filed and it is numbered as C.C.No.61 of 2003 and the same is also pending trial. It is further stated that basing on similar complaint by Sri Md.Yaseen Ali, Cr.No.275 of 1999 was registered for the offences under Sections 420 and 406 of the Indian Penal Code against the 4th respondent, in which case also the investigation has also been completed and the charge-sheet has been filed and the case numbered as CC.No.556 of 2000, is also pending trial. It is further stated that on the basis of five similar complaints by the different complainants, crimes have been registered,

investigation has been completed and charge-sheets have been filed in the Court of the Metropolitan Sessions Judge, Hyderabad. The details of the said cases have also been furnished. However, it is stated that the accused i.e., the 4th respondent herein is absconding and therefore the properties of 4th respondent were attached by the Government vide G.O.Ms.No.160, dated 09-07-2001. Initially, 4th respondent was arrested on 18-10-2000, however, he was released on bail and thereafter he jumped the bail and failed to attend the Court to face the trial. It is also stated that Non-bailable Warrant has been issued against the 4th respondent and the same is pending execution and that the police are making efforts to trace out the 4th respondent.

In the light of the counter-affidavit explaining the steps taken in pursuance of the complaint lodged by the petitioner as well as other depositors, the alleged inaction on the part of the respondents cannot be accepted. Accordingly, the Writ Petition is disposed of with an observation that the respondents 1 to 3 shall continue the efforts to trace out the 4th respondent and the necessary further steps shall be taken in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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29th July, 2004.

Gbs

To

1 The City Crime Station (Team-II) Control Room, Nampally, Hyderabad
2 The Commissioner of Police, Hyderabad
3 The Director General, Central Board of Investigation, New Delhi
4..2CCs to G.P. for Home, High Court Buildings, Hyderabad.(OUT).

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